

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. The petitioner and his wife had been receiving VHAP benefits until February of this year when their income was reviewed by PATH and they were determined to be ineligible for benefits due to increased income. They were notified in writing that they would be eligible for the "Healthy

Vermonters" program which provides discount prescriptions and that their children would continue to be eligible for the Dr. Dynasaur (Medicaid) program.

3. Because the petitioner's wife has many health care expenses associated with surviving a bout with cancer, she decided to become self-employed and to obtain insurance through a Chamber of Commerce program. She now has private insurance for herself for which she pays \$264 per month.

4. The petitioner himself remains uninsured and filed an appeal of his denial. He believes that the appropriate course for PATH to have taken when his income went up would be to raise his premium, not to terminate his insurance. He also believes it would have been fairer to have considered his wife's considerable medical expenses in determining the family's income available for health care.

ORDER

The decision of PATH is affirmed.

REASONS

PATH has adopted regulations that require an individual to be a member of a VHAP group (spouse and children under 21) with "countable income" under the applicable income test to meet financial need requirements of the VHAP program. VHAP

Reg. § 4001.8. "Countable income" is defined in the regulations as "all earned and unearned income" less deductions. VHAP Reg. 4001.81. Deductions available to the petitioner are a \$90 "standard employment expense deduction" and dependent care expenses for children under age 13 up to \$175 per child.¹ VHAP Reg. 4001.81(e) and (f). The applicable income test for a family of four with dependent children is \$2,907 per month. P-2420B. No testimony was taken as to the petitioner's dependent care expenses but even if the petitioner got the maximum deduction of \$530 for care and employment expenses, his countable income of \$2,975 would still be above the maximum, although only by \$68.

As PATH's decision terminating the petitioner and his wife² from VHAP is consistent with the regulations, the Board is bound to uphold the decision. 3 V.S.A. § 3091(d), Fair Hearing Rule 17. The petitioner's ideas about how the program should run may have merit but the petitioner does not set

¹ Business expenses are also deductible for self-employed persons. It does not appear that the petitioner's wife was self-employed at the time of their eligibility review.

² The petitioner's wife has created another impediment to receiving benefits when she obtained private health insurance. See VHAP Reg. § 4001.2.

policy for PATH and has not shown that the policy adopted by PATH is illegal under Medicaid law.

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